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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(CRL) 2223/2025**

RANA PRATAP SINGH

.....Petitioner

Through: Mr. Shannu Baghel, Mr. Gorang
Goyal and Mr. Ganpat Ram,
Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Anand V. Khatri, ASC (Crl.).

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

19.11.2025

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1. This petition under Article 226 of Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (corresponding to Section 482 of the Code of Criminal Procedure, 1973²) seeks a direction to the Respondent to count and include the period during which the Petitioner was released on emergency parole amidst the Covid-19 pandemic.

2. The Petitioner was convicted by the General Security Force Court for offences under Sections 40, 46 and 16(d) of the Border Security Force Act, 1968³ and Section 302 of the Indian Penal Code, 1860⁴, in FIR No. GSFC, P.S. 23rd Battalion BSF, Uttar Dinajpur, West Bengal. He was sentenced to

¹ "BNSS"

² "CrPC"

³ "BSF Act"

⁴ "IPC"



rigorous imprisonment for life and dismissed from service. His appeal before the Supreme Court was dismissed. The Petitioner has already undergone approximately 15 years and 6 months of actual incarceration and has earned 4 years of remission. During this period, he was granted parole on multiple occasions.

3. Due to the outbreak and rapid spread of the Covid-19 pandemic, the Supreme Court as well as this High Court directed the Competent Authority to release eligible convicts on Emergency Parole, pursuant to the resolutions and minutes of the High-Powered Committee constituted by this Court. In view of the alarming situation, overcrowded prisons, and the imminent risk of contracting Covid-19, eligible inmates were released on Emergency Parole.

4. Considering the emergent situation, the Government of NCT of Delhi, by order dated 27th March, 2020, issued under Rule 1212A of the Delhi Prisons Rules, 2018, decided to grant Emergency Parole, which was to be counted towards the sentence of prisoners.

5. The order dated 27th March, 2020, further specified the following categories of convicts who were to be released on Emergency Parole:

- i. All convicts who are presently outside the prison on either on furlough or on parole
- ii. All convicts who have availed parole/furlough in the past
- iii. All convicts not falling under S. No. 1 or 2 above the otherwise eligible

6. The Petitioner had availed parole multiple times before the above notifications were issued, yet he was not granted Emergency Parole by the Competent Authority. Rule 1212A of the Delhi Prisons Rules, 2018, as



amended by Notification dated 20th May, 2020, provides that the number of spells of Emergency Parole may be increased in emergent situations. The Government accordingly extended Emergency Parole from time to time.

7. The Petitioner was eligible for release on Emergency Parole. However, having approached this Court, he was granted regular parole for 4 weeks *vide* order dated 21st May, 2020 and was released on 25th May, 2020. He was not granted Emergency Parole.

8. It is submitted that although the release order did not expressly state that the parole was “Emergency Parole”, the period ought to be counted towards the Petitioner’s sentence in terms of the Government Notification. The Petitioner was later arrested on 9th January, 2021 in FIR No. 1007/2020, in which he was acquitted on 24th March, 2025.

9. The relief sought is that the period of parole from 25th May, 2020 to 9th January, 2021, i.e., during the Covid-19 pandemic, be counted towards the Petitioner’s sentence.

10. Mr. Anand V. Khatri, ASC (Crl.), submits that since the Petitioner was released on regular parole pursuant to the Court’s order, the notifications issued from time to time regarding Emergency Parole are inapplicable to him, and therefore the relief sought cannot be granted.

11. The Court has considered the aforementioned submissions and perused the material on record. It is undisputed that the Petitioner was first released pursuant to this Court’s order dated 21st May, 2020 for a period of 4 weeks. However, it cannot be overlooked that due to the onset of the Covid-19 pandemic from March 2020, the Government issued successive notifications to decongest prisons and prevent the spread of the virus.

12. Although the Petitioner was initially released on regular parole, the



subsequent supervening circumstances and the series of Government notifications cannot be ignored. It is evident that the Petitioner was not unwilling to surrender but was prevented from doing so due to the intervening Covid-related notifications. Therefore, the period from 25th May, 2020 until his arrest on 9th January, 2021 must be deemed to be a period of Emergency Parole and is liable to be counted towards the sentence in terms of the GNCTD Notification.

13. Accordingly, the petition is allowed, and the said period is directed to be included while computing the Petitioner's sentence.

14. Disposed of along with any pending application(s).

SANJEEV NARULA, J

NOVEMBER 19, 2025

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